

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Barbara A. Gilchrest, Mina Yaar and Mark Eller

Application No.: 09/018,194 Group: 1647

Filed: February 4, 1998 Examiner: S. L. Wegert

Confirmation No.: 9447

Inhibition of Apoptosis in Keratinocytes by a Ligand of p75 Nerve Growth Factor Receptor (As Amended)

CERTIFICATE OF MAILING OR TRANSMISSION

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September 26, 2003 Beverly Weinberger

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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated 26 August 2003, the claims of Group I (Claims 33-36 and 53) drawn to a method of maintaining hair growth in a vertebrate are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicants hereby elect SEQ ID NO:9 as the species of peptide. Claims readable on the elected species are 33, 35, 36, 45, 47-49, 51 and 52.

The requirement is being traversed for the reasons set forth in detail below.

09/018,194

-2-

In the Election/Restriction mailed from the U.S. Patent and Trademark Office on 5 June 2001, the Examiner found Claims 33-36 and 45-52 to be not distinct and not independent from each other, and placed all of these claims in one group (Group VIII). The Examiner now finds three "independent and distinct" inventions among these claims and three claims dependent on independent Claims 33, 45 and 49 (dependent Claims 53-55, which were added by Preliminary Amendment on 3 June 2003).

The Examiner is respectfully requested to further explain what the "materially different process steps" are among the three groups of claims, and how the "materially different purposes" are different for the three groups of claims, as Applicants cannot see these differences.

The statement that "each method requires a non-coextensive search because of different starting materials, process steps, subjects/patients, personnel, goals and measured endpoints" is given as a conclusion, and is not a statement of reasons specific to the claims, as is required by MPEP §816. The Examiner is respectfully requested to provide examples of the differences in these recited factors.

One search covering all of Claims 33-36 and 45-55 should be easy to design and carry out, considering that the object of all the methods is to maintain hair growth by using a ligand or pseudo-ligand of p75 nerve growth factor receptor.

Respectfully submitted,

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